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MEMORANDUM FOR: Deputy Director for Administration

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FROM : [REDACTED]
Assistant for Information, DDA

SUBJECT : Implementation of National Security Information
Executive Order

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1. Our paper addressing the implementation of the yet-to-be signed Executive order which will replace E.O. 11652 is attached. It was prepared by [REDACTED] in close coordination with [REDACTED] OGC, and [REDACTED] ISAS/RAB. Susan also talked with [REDACTED] Executive Secretary, SECOM.

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2. I believe that all essential steps have been covered, and suggest, if you concur in our proposals about who should do what, that we send copies of the outline to all those who are likely to be involved in the process. Action can then begin promptly once the order is signed.

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Attachment: a/s

IMPLEMENTATION OF EXECUTIVE ORDER FOR NATIONAL SECURITY INFORMATION
(replacing E.O. 11652)

1. INTRODUCTION

a. The intent of this paper is to identify the issues which need to be resolved, and activities which need to be accomplished to implement the new Executive order by 1 December 1978. The Executive order addresses the protection of National Security Information. This protection can be divided into two elements: the actual classification of information; and the physical protection of the information, to include personnel security. We are identifying the classification process as a records management function and the safeguarding process as a security function. Categories of tasks necessary for implementation have been developed (detailed below) to be delegated to appropriate task forces and/or Agency components for completion (suggested assignments included). The policies and procedures to be developed must be consistent with the Implementing Directive for the new Executive order and any relevant DCI directives.

b. This paper assumes that the DDA will be designated the Agency official to ensure compliance with the new E.O., as was the case in 1972 when E.O. 11652 was issued. It was developed by using the 9 May draft of the proposed Executive order. The DCI has sent a letter to the General Counsel, OMB, addressing an exemption from the 20-year systematic review requirement for information dealing with human sources. If this exemption is granted, additional procedures for handling this category of information will need to be developed.

c. This paper also assumes that the Information Review Committee (IRC) Working Group will address the major policy issues and provide recommendations to the IRC for its implementation decisions.

2. MANAGEMENT OF ON-GOING INFORMATION SECURITY PROGRAM

a. Specific Tasks:

- (1) Designate Agency representative to Interagency Information Security Committee.
- (2) Designate a senior Agency official to chair a committee with authority to act on all suggestions and complaints with respect to the Agency's administration of the information security program.

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- (3) Designate a senior Agency official to conduct an active oversight program to ensure effective implementation of this Order. Specifically, this official would:
 - (a) Manage the implementation of the Executive order.
 - (b) Submit to the Information Security Oversight Organization (ISOO) copies of all regulations and guidelines for systematic review, developed by those responsible for that task, adopted pursuant the E.O. and implementing directives. Subsequent changes shall also be forwarded.
 - (c) Prepare reports to ISOO as Director, ISOO finds necessary.
 - (d) Manage process to decide appeals arising from denials of declassification requests, and amend as necessary to conform with the new E.O. The procedures for this will be developed under the auspices of general declassification tasks.
 - (e) Develop, to extent practicable, and publish in Federal Register, individual regulations implementing the E.O.

b. Suggested Action Responsibility:

- (1) The existing Information Review Committee, chaired by the DDA, meets the requirements of Specific Task (2).
- (2) The designations of officials for tasks (1) and (3) are under the purview of the DDA.

3. SAFEGUARDS

- a. Safeguarding is not addressed in detail in the draft Executive order. It is expected that the Implementing Directive will address document control inventories, protection of information, transmission of information, etc.
- b. Specific Tasks:
 - (1) Develop and manage physical security systems as required.
 - (2) Develop procedures for the review and approval of CIA special access systems.
- c. Suggested Action Responsibility: Office of Security

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4. REGULATIONS

- a. The following regulatory issuances are affected by the new Executive order:

- STATINTL (1) [REDACTED] dated 11 February 1975 incorporates the Agency's basic implementation of the Freedom of Information Act and Executive Order 11652.
- STATINTL (2) [REDACTED] dated 21 April 1976 covers dissemination controls on foreign intelligence information. It incorporates the provisions of DCID 1/7 and provides for the additional markings CIA INTERNAL USE ONLY, ADMINISTRATIVE-INTERNAL USE ONLY, and FOR OFFICIAL USE ONLY.
- STATINTL (3) [REDACTED] dated 24 May 1977 implements the paragraph marking provision of E.O. 11652.
- STATINTL (4) [REDACTED] cover additional aspects of access to and release of information, while [REDACTED] include STATINTL safeguarding provisions that relate to E.O. 11652 requirements. STATINTL
- STATINTL (5) [REDACTED] cover the classification/declassification of National Security Information program. [REDACTED] dated 23 August 1977 covers handling and processing procedures for FOIA, Privacy Act, and E.O. 11652 requests.

- b. Specific Tasks:

- (1) Establish responsibility for Agency regulatory issuances governing classification of information.
- (2) Revise Agency regulations to implement the new Executive order.
- (3) Review other pertinent regulations as to appropriate changes required under the new Executive order.

- c. Suggested Action Responsibility:

- (1) Decision as to component with regulations responsibility: DDA. ISAS and OS to prepare suggestions (options) as to what information should appear in the regulations and where and what information should be included in a Headquarters handbook on classification. Informal discussion to date has covered the following:

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- (a) The [REDACTED] Series regulations generally fall under the purview of the Office of Security, although [REDACTED] was prepared in the office of the AI/DDA. The [REDACTED] Series regulations generally fall under the purview of the AI/DDA -- in particular the Information Systems Analysis Staff and the Information and Privacy Staff. STATINTL
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- (b) It has been informally discussed in the general process of updating all Agency regulatory issuances that regulations covering classification and release of information be in the [REDACTED], and that regulations covering physical, personnel, and computer security continue to be in the [REDACTED] Series. STATINTL
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- (c) In addition there are about 40 references throughout the Agency regulations relating to use of special sensitivity markings as well as the ones specified in [REDACTED]. It might be appropriate to address the whole question of document markings on unclassified as well as classified information at some stage of the regulations update. STATINTL
- (2) Review other regulations as to determine appropriate revisions: ISAS.
- (3) Draft revised regulations: ISAS, OS, and OGC.
- (4) Coordinate regulations and present for approval: ISAS/RCB.
- (5) Coordinate compatibility of Agency regulatory provisions with Community requirements, particularly in the area of document markings: ISAS and SECOM.
5. ORIGINAL CLASSIFICATION AUTHORITY
- a. Delegations of Authority:
- (1) Develop recommendations for officers (positions) to be delegated (by DCI) original TOP SECRET classification authority.
- (2) Develop recommendations for officers (positions) to be delegated (by DCI) original SECRET classification authority.
- (3) Develop recommendations for officers (positions) to be delegated (by DCI) original CONFIDENTIAL classification authority.

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- (4) Develop policy to be followed by those officers who have TOP SECRET classification authority to delegate SECRET and CONFIDENTIAL classification authority.
- (5) Develop procedures to implement policy developed in (4).
- b. Review existing procedures for the management of classification authorizations and amend as necessary to make them consistent with the new Executive order. Procedures should cover:
 - (1) Notification of delegation of authority/rescission of authority.
 - (2) Maintenance of central record of present and past authorizations (as to position assignment).
- c. Suggested Action Responsibility:
 - (1) Recommendations for DCI delegation of authority: ISAS/RAB develop procedures, for review by IRC Working Group, whereby IRC members and the O/DCI (including PAO, OLC, OGC, O/Compt, ICS, and EEO) make the recommendations.
 - (2) Procedures to manage the delegation (a(5) and b) of authority: ISAS/RAB, with Office of Personnel, develop procedures for review by IRC Working Group.

6. CLASSIFICATION GUIDELINES

- a. The Executive order states that "Original classification authority shall not be given to persons who only reproduce, extract or summarize classified information or who only apply classified markings derived from source material or as directed by a classification guide." Several policy issues are apparent:
 - (1) Require policy as to when to use classification markings applied to source documents and when to use a classification guideline.
 - (2) Require policy as to the development of Agency-wide guidelines, or directorate-developed guidelines, or an organizational mix of guidelines.
 - (3) Require policy as to who can use derivative classification.

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- b. ISAS/RAB is drafting classification guidelines from the declassification guidelines, now in effect for 30-year systematic review, to provide a starting place for discussion of guidelines and their use. Some concerns:
 - (1) Guidelines can be classified documents themselves.
 - (2) A guideline can never be superseded. Each one published must be retrievable, along with originating classifier information and mandatory review date.
- c. Specific Tasks:
 - (1) Develop procedure for the development, review, approval, and dissemination of guidelines.
 - (2) Develop procedure for the operational usage of guidelines.
- d. Suggested Action Responsibility:
 - (1) IRC Working Group be tasked to recommend policy as to use and development of guidelines.
 - (2) Development of guideline management procedure to be tasked to ISAS; or alternatively, OS.

7. DECLASSIFICATION REVIEW

- a. Systematic Review Tasks:
 - (1) Identify specific categories of documents or information which require requests to Director, ISOO for extending period for subsequent reviews.
 - (2) Develop, issue, and maintain guidelines for 20-year review.
 - (3) Review and approve DOD procedures for cryptologic information with respect to sources and methods (for DCI approval).
- b. Mandatory Review Tasks:
 - (1) Develop Agency procedures for the declassification of documents under mandatory review (FOI/PA requests are included).
 - (2) Downgrading: develop procedure to notify holders of information when downgrading is not automatic.

c. General Tasks:

- (1) Develop facility to which all declassification actions are reported and recorded.
- (2) Recommend process to decide appeals from denials of declassification process.
- (3) Coordinate procedures with SECOM.

d. Suggested Action Responsibility:

- (1) Systematic Review items: Task force made up of directorate representatives and chaired by ISAS/RRB, to develop items for IRC Working Group review and approval.
- (2) Mandatory Review: Task force made up of representatives from OGC, PAO, DDO, OS, IPS and ISAS to make recommendations to IRC Working Group.
- (3) Central reporting facility: Task force made up of representatives of OGC, IPS, chairman of Mandatory Review task force, and chaired by ISAS/RRB.
- (4) Develop procedures to decide appeals of declassification process: ISAS for IRC Working Group approval.

8. MARKINGS

a. Policy Issues:

- (1) Agency-wide policy needs to be developed as to the marking of classified portions of documents with the appropriate classification designations.
- (2) Related to portional marking is the determination of specific classes of documents or information for which the Agency might form a request to Director, Information Security Oversight Office, for a waiver from the markings of portions requirement.

b. Specific Tasks:

- (1) Develop authorized markings:
 - (a) Develop markings required under new E.O. (including computer-generated output and electrical messages).

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- (b) Develop marking guidelines for Agency dissemination controls and special access systems. (Requirements for SCI material will come from SECOM.)
 - (c) Develop markings for reproduction prohibitions.
 - (d) Develop markings for declassification.
- (2) Order appropriate numbers of the necessary rubber stamps and make generally available.
- c. Suggested Action Responsibility:
 - (1) A Marking task force (with Agency-wide representation and chaired by ISAS) be appointed to develop and recommend to the IRC: (1) policy for marking of portions, and (2) the classes of documents and information for which a request from a waiver from the portional marking requirement can be made.
 - (2) Development of authorized markings: ISAS with OS/ISSG and OC, develop markings to be coordinated with the Marking task force for recommendation to the IRC for approval.
 - (3) ISAS for item b(2).

9. TRAINING

- a. Determine requirements for training programs to be developed and given by OTR.
 - (1) Indoctrination of operating officials.
 - (2) Indoctrination of clerical employees.
 - (3) Presentation for on-going new employees indoctrination.
- b. Suggested Action Responsibility: ISAS/RAB determine and then coordinate training requirements with OTR personnel.

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